

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

HUDSON SURGICAL DESIGN, INC.)	
)	
Plaintiff,)	
)	Civil Action No. 08 C 1566
v.)	
)	Judge Virginia M. Kendall
ZIMMER HOLDINGS, INC., ZIMMER,)	Magistrate Judge Nan R. Nolan
INC., RUSH SYSTEM FOR HEALTH)	
and RUSH UNIVERSITY MEDICAL)	
CENTER,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	

**PLAINTIFF'S REPLY TO COUNTERCLAIMS OF
DEFENDANTS ZIMMER HOLDINGS, INC. AND ZIMMER, INC.**

Plaintiff, Hudson Surgical Design, Inc. ("Hudson") responds to the counterclaims of defendants Zimmer Holdings, Inc. and Zimmer, Inc. ("Zimmer") as follows:

Parties

1. Counterclaim-plaintiffs are each corporations organized under the laws of the State of Delaware with a place of business in Warsaw, Indiana.

Response:

Admitted.

2. On information and belief, Counterclaim-defendant Hudson Surgical Design, Inc. ("Hudson") is a New Jersey corporation with a place of business in La Crosse, Wisconsin.

Response:

Admitted.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over this counterclaim under 28 U.S.C. §§ 1331, 1338(a), and 2201.

Response:

Admitted that this Court has subject matter jurisdiction over Zimmer's counterclaim to the extent Hudson alleges that Zimmer has infringed U.S. Patents Nos. 5,643,272 and 7,344,541. Otherwise, denied.

4. This Court has personal jurisdiction over Counterclaim-defendant Hudson because, among other things, Hudson has commenced the underlying patent infringement action in this Court and has thus availed itself of this Court to sue Zimmer.

Response:

Admitted.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and 1391(c).

Response:

Admitted.

**Counterclaim 1:
Non-Infringement and Invalidity of U.S. Patent No. 5,643,272**

6. Neither Zimmer, Inc. nor Zimmer Holdings, Inc. has directly infringed, contributorily infringed, nor actively induced infringement of any valid and enforceable claim of U.S. Patent No. 5,643,272, nor have either otherwise committed any acts of infringement of any rights of Hudson.

Response:

Denied.

7. Additionally, the claims of U.S. Patent No. 5,643,272 are invalid as anticipated under 35 U.S.C. §102 and/or obvious under 35 U.S.C. §103.

Response:

Denied.

**Counterclaim 2:
Non-Infringement and Invalidity of U.S. Patent No. 7,344,541**

8. Neither Zimmer, Inc. nor Zimmer Holdings, Inc. has directly infringed, contributorily infringed, nor actively induced infringement of any valid and enforceable claim of U.S. Patent No. 7,344,541, nor have either otherwise committed any acts of infringement of any rights of Hudson.

Response:

Denied.

9. Additionally, the claims of U.S. Patent No. 7,344,541 are invalid as anticipated under 35 U.S.C. §102 and/or obvious under 35 U.S.C. §103.

Response:

Denied.

AFFIRMATIVE DEFENSES

1. Zimmer's counterclaims fail to state a claim upon which relief can be granted.
2. Hudson reserves the right to supplement its affirmative defenses as discovery progresses.

REQUESTED RELIEF

WHEREFORE, Hudson requests that a judgment be entered as follows:

- A. The dismissal, with prejudice, of Zimmer's counterclaims.
- B. The grant of all the relief requested in Hudson's First Amended Complaint.
- C. A finding that this case is "exceptional" within the meaning of 35 U.S.C. § 285, and an award to Hudson of its attorneys' fees and expenses incurred in this action.

JURY DEMAND

A trial by jury is hereby demanded on all issues triable to a jury in this case.

Respectfully submitted,

/s/ David J. Sheikh

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PLAINTIFF'S REPLY TO COUNTERCLAIMS OF DEFENDANTS ZIMMER HOLDINGS, INC. AND ZIMMER, INC.** was electronically filed with the Clerk of Court using CM/ECF system, which will send notification by electronic mail to the following:

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Attorneys for Zimmer, Inc. and Zimmer Holdings, Inc.

on this 19th day of May, 2008.

/s/ David J. Sheikh